

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
JAN 25 2010

CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN DIEDRICH SMITH,

Defendant.

CR 09-40107

ORDER

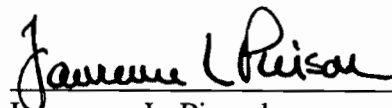
Pending before the Court is the Defendant's Plea Agreement, Factual Basis Statement, and Supplement to Plea Agreement. A hearing to take the plea was held before the Magistrate Judge on January 6, 2010, and Judge Simko issued a Report and Recommendation accepting the plea, and recommending to this Court that the Defendant be adjudged guilty as charged in the Indictment with Possession of Firearms by Prohibited Person in violation of 18 U.S.C. § 922(g)(3). After a careful review of the file, and the time for objections having expired,

IT IS ORDERED:

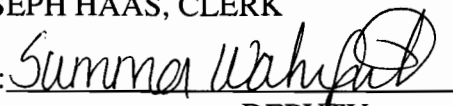
1. That the Magistrate Judge's Report and Recommendation is ADOPTED by the Court, and the Defendant Brian Diedrich Smith is adjudged guilty.

Dated this 25th day of January, 2010.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
DEPUTY